

**REMARKS**

Claims 1 and 3-50 are currently pending in the subject application and are presently under consideration. The below comments present in greater detail distinctive features of applicants' claimed invention over the cited art that were conveyed to the Examiner over the telephone on September 15, 2008. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

**I. Rejection of Claims 10-14, 16-17, 22, 24-26, and 28-29 Under 35 U.S.C. §102(e)**

Claims 10-14, 16-17, 22, 24-26, and 28-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by Alanara *et al.* (US 6,292,668 B1). This rejection is improper for at least the following reasons. Alanara *et al.* does not disclose or suggest each and every aspect set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' subject claims relate to an active messaging system that enables a user to create an active message script that is compatible with execution on small devices with limited resources and processing power. In particular, independent claims 10 and 17 recite similar aspects, namely, *a user interface that displays an active message script provided by the active message script composition software and an application specified by a user*. Further, the independent claims 10 and 17 have been amended to recite *the active message script comprises at least one command to at least one of rerun a prior active message script, or a previously-installed active message script with a different starting parameter to facilitate an on-going negotiation between two or more users*. Alanara *et al.* does not teach this novel aspect.

Alanara *et al.* relates to a system in a communication network comprising transmitting and receiving terminals being capable of supporting a plurality of applications. Specifically, the communication terminal receives user messages comprising data and a header relating to an

application and addresses the data to an already installed application according to the header. More specifically, the applications disclosed by Alanara *et al.*, are pre-stored in a terminal or arranged into a terminal at a later stage (*See column 7, lines 53-56*). The Examiner asserts on page 6-7 of the Final Office Action (dated July 16, 2008) that Alanara *et al.* teaches a user interface that an active message script. However, it is noted that Figures 1, 3, 8-11 illustrated in Alanara *et al.* merely depict user interface of an ordinary mobile phone. Specifically, Figure 11 displays an application of commands producing functions in on a terminal. More specifically, the terminal displays the relevant information (*not the application specific codes*) to the user as shown in Figure. 11 (*See column 15, lines 61-63*). Thus, Alanara *et al.* does not teach or suggest a user interface that displays an active message script that is provided by an active message script composition software as an application specified by a user. Additionally, Alanara *et al.* is silent with respect to an active message script that comprises a command that is employed to rerun a prior active message script, or a previously-installed active message script with a different starting parameter to facilitate an on-going negotiation between two or more users.

Applicants' claimed subject matter, in contrast, discloses a system and method wherein an active message script composition user interface that is rendered by an active message script composition software assists users with composing active messages or applications based upon the active message script. Specifically, *an active message script window displays active message script provided by the active message script composition software as the application specified by the user* (*See page 25, [0076]*). According to an aspect, a user interface is provided that includes an applications listing, represented as a drop-down menu, which lists active message applications that are available to the user. In particular, an application is assigned identifying information in an application identification window that may include an application ID, an indication of a host computer where the application is to be stored, and a path indication specifying the location of the application on the host. Each application includes a set of commands or instructions. The user interface includes an application commands display that lists commands included in the application indicated or selected in applications listing. The commands in application commands display may be represented in the form of a simple sequential listing or as a tree structure. A command edit window allows a user to select or specify features or characteristics of a command selected in application commands display. An active message script is created based on the user's selection. The active message script is a compact, high efficiency script compatible with

execution on small devices with limited resources and processing power. The created script is displayed to a user in an active message script window (See page 24, [0077]-[0078].) Further, in one aspect, an active message may contain a command to rerun a prior active message script, or a different previously-installed one, with a different starting parameter. This could be useful in a peer-to-peer scenario and could correspond to an on-going negotiation between two users. This may be useful for business negotiations (e.g., auctions) and for turn-based games like chess. (See pages 14-15, [0052].) Alanara, *et al.* fails to disclose this novel aspect.

In addition, independent claim 10 recites an active message file manager *that at least one of adds, removes or renames an active message application*. Specifically, applicants' claimed subject matter discloses an active message file manager that maintains active message applications and services that are stored in a file system on mobile telephone (e.g., stored on a SIM 12 of a GSM-standard telephone). (See page 13, [0048].) Alanara, *et al.* is silent with respect to management of active message application that are downloaded and installed onto a mobile device.

In view of at least the foregoing, it is readily apparent that Alanara *et al.* does not teach or suggest the subject invention as recited in claims 10 and 17 (and associated dependent claims). Accordingly, withdrawal of this rejection is respectfully requested.

## **II. Rejection of Claims 1, 3-9, 30-33, 35-39, 41-46, and 49-50 Under 35 U.S.C. §103(a)**

Claims 1, 3-9, 30-33, 35-39, 41-46, and 49-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (US 6,292,668 B1) in view of Zhang *et al.* (US 7,082,312 B2). This rejection is improper for at least the following reasons. Alanara, *et al.* either alone or in combination with Zhang *et al.*, does not teach or suggest every feature of the subject claims.

*[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 706.02(j). See also KSR Int'l Co. v. Teleflex, Inc., 550 U. S. \_\_\_, 04-1350, slip op. at 14 (2007). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on applicant's disclosure. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).*

Applicants' subject claims relate to active messaging system that provides interpretation and execution of an active message script that is included in a short text message received at a digital cellular telephone. Further, the active messaging system enables a user to create an active message script by employing an active message script software. In particular, independent claims 1, 30 and 36 recite similar aspects, namely *the active message script comprises at least one command to at least one of rerun a prior active message script, or a previously-installed active message script with a different starting parameter to facilitate an on-going negotiation between two or more user, ..., the user interface displays the active message script provided by an active message script composition software as an application specified by a user.* Alanara, *et al.* either alone or in combination with Zhang *et al.*, fails to teach or suggest these novel feature.

As discussed *supra*, with respect to independent claims 10 and 17, Alanara, *et al.* fails to teach or suggest an active message script comprises at least one command to at least one of rerun a prior active message script, or a previously-installed active message script with a different starting parameter to facilitate an on-going negotiation between two or more users and/or a user interface that displays an active message script that is provided by an active message script composition software as an application specified by a user. Zhang *et al.* relates to a system and method for providing information service for mobile telephones employing short message service. Zhang *et al.* fails to disclose a system and/or method that employs an active message script that comprises at least one command to at least one of rerun a prior active message script, or a previously-installed active message script with a different starting parameter to facilitate an on-going negotiation between two or more users and/or is silent with respect to displaying an active script that is created based on a user's selection and an active message script composition software. Thus Zhang *et al.* does cure the aforementioned deficiencies presented by Alanara *et al.* with respect to independent claims 1, 30 and 36. Therefore, it is respectfully requested that this rejection be withdrawn.

### **III. Rejection of Claims 15 and 27 Under 35 U.S.C. §103(a)**

Claims 15 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (US 6,292,668 B1) in view of Comer (US 5,610,973). This rejection is improper for at least the following reasons. As discussed *supra*, Alanara *et al.* does not teach or suggest

each and every feature of independent claims 10 and 17. Claims 15 and 27 depend from independent claims 10 and 17 respectively. Comer relates to a system and method for automatically detecting the presence of predetermined classes of mobile radiotelephones within a cellular network and interactively communicating with a registering mobile radiotelephone within such classes but does not teach or suggest displaying an active message script. Thus, Comer does not make up for the aforementioned deficiencies of Alanara *et al.* with respect to independent claims 10 and 17. Accordingly, it is respectfully requested that this rejection be withdrawn and the subject claims allowed.

**IV. Rejection of Claims 18-21 and 23 Under 35 U.S.C. §103(a)**

Claims 18-21 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (US 6,292,668 B1) in view of Chen *et al.* (US 2003/0054810 A1). This rejection is improper for at least the following reasons. Alanara *et al.*, alone or in combination with Chen *et al.*, does not teach or suggest each and every feature of the subject claims. Chen *et al.* relates to a system that includes a mobile device server, which provides a message gateway to allow mobile devices that use different protocols to relay messages to each other but does not teach or suggest a system that employs an active message script and thus fails to remedy the aforementioned deficiencies of Alanara *et al.* with respect to independent claim 17. Claims 18-21 and 23 depend on independent claim 17 and Alanara *et al.*, alone or in combination with Chen *et al.*, fails to teach or suggest all features of applicants' invention as recited in independent claim 17, and thus fails to make obvious the subject claims. Therefore, it is respectfully requested that this rejection be withdrawn.

**V. Rejection of Claims 34, 40, and 47 Under 35 U.S.C. §103(a)**

Claims 34, 40, and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (US 6,292,668 B1) in view of Zhang *et al.* (US 7,082,312 B2) as applied to claims 30 and 36, and further in view of Chen *et al.* (US 2003/0054810 A1). This rejection is improper for at least the following reasons. Alanara *et al.* and Zhang *et al.*, alone or in combination with Chen *et al.*, fail to teach or suggest each and every aspect of the claimed subject matter. Claims 34, 40 and 47 depend from independent claims 30 and 36 respectively. Chen *et al.* fails to make up for the aforementioned deficiencies presented by Alanara *et al.* and Zhang *et al.* with respect

to independent claim 30 and 36. Accordingly, it is respectfully requested that this rejection be withdrawn.

**VI. Rejection of Claim 48 Under 35 U.S.C. §103(a)**

Claim 48 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Alanara *et al.* (US 6,292,668 B1) in view of Zhang *et al.* (US 7,082,312 B2) as applied to claim 36, and further in view of well known Admitted prior art (MPEP 2144.03) which is hereby supported by Admitted Prior Art. This rejection is improper for at least the following reasons. Claim 48 depends from independent claim 36. As discussed above, Alanara *et al.* and Zhang *et al.* do not disclose each and every aspect set forth in independent claim 36. Further, creating an active message script based on a user's selection and an active message script composition software and displaying the created script to a user *via* a user interface and/or employing an active message script that comprises at least one command to at least one of rerun a prior active message script, or a previously-installed active message script with a different starting parameter to facilitate an on-going negotiation between two or more user is not well known in the art. Accordingly, it is respectfully requested that this rejection be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP682US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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